

CHAPTER 14.1

NOISE ORDINANCE*

Section 14.1-1. Generally.

- A. Unnecessary noise degrades the environment of the City to a degree
 - 1. that is harmful and detrimental to the health, welfare and safety of its citizens; and
 - 2. interferes with the comfortable enjoyment of life, property and recreation and with the conduct and operation of business and industry; and
 - 3. causes nuisances.
- B. No one has any right to create unnecessary noise;
- C. Effective control and elimination of unnecessary noise is essential to the furtherance and health and welfare of the City's citizens, and to the conduct of the normal pursuits of life, recreation, commerce and industrial activity;
- D. A busy City creates sufficient noise by its own activity which cannot be eliminated, therefore, it is in the public interest that unnecessary noise be eliminated within the corporate limits;
- E. It is the express legislative intent of the Council that the proliferation of boom boxes, portable radios and tape players being played outside of dwellings, upon the public way, on public sidewalks and in parks and plaza areas and on porches and steps of buildings be discouraged. Individuals who find it necessary to operate these devices out-of-doors at loud levels should operate them with headsets or headphones attached so that the persons who desire to listen to these devices may enjoy them in comfort and that they may not be permitted to create a nuisance in the neighborhood.

*Editor's Note --- Ordinance No. 1216-1993, §§ 1---6, adopted August 3, 1993, did not specify the manner of codification, but was included herein as Ch. 14.1, §§ 14.1---14.6, at the editor's discretion.

- F. Furthermore, it is the express legislative intent of this Council that commercial establishments which provide live entertainment, jukebox entertainment or entertainment through some amplification system be discouraged from having such entertainment audible outside of said premises.

Source: Ordinance No. 1216-1993, § 1, 8-3-93

Section 14.1-2. General Noise Prohibition.

It shall be unlawful for any person within the City of Laurel to make, continue or cause to be made or continued, any loud, unnecessary or unusual noise which either disturbs or endangers the comfort, repose, health, peace or safety of others within the limits of the City.

Source: Ordinance No. 1216-1993, § 2, 8-3-93

Section 14.1-3. Specific Unlawful Noises.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Ordinance, but such enumeration shall not be deemed to be exclusive, namely:

- (a) **Motor noises:** Any noise made by the motor of any automobile, truck, tractor, motorcycle, not reasonably required in the operation thereof under the circumstances and shall include but not be limited to backfiring and motor racing.
- (b) **Explosive use of engine and compressed air-braking devices:** “Engine retarding brake” means a “Dynamic Brake,” “Jake Brake,” “Jacobs Brake,” “CBrake,” “Paccar Brake,” transmission brake or any other engine retarding brake system that alters the normal compression of the engine and subsequently releases that compression.
 - (b1) It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the incorporated areas of the City of Laurel any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, unless such use is necessary to avoid imminent danger. Emergency vehicles shall be exempt from the application of this ordinance.
 - (b2) Signs stating “VEHICLE NOISE LAWS ENFORCED” or “ENGINE BRAKE ORDINANCE ENFORCED” may be installed at locations deemed appropriate by the City Council to advise motorists of the prohibitions contained in this ordinance, except that no sign stating “VEHICLE NOISE LAWS ENFORCED” or “ENGINE BRAKE ORDINANCE ENFORCED” shall be installed on a state highway without

a permit from the Mississippi Department of Transportation. The provision of this Ordinance shall be in effect, however, even if no signs are installed. The terms of this ordinance shall be strictly enforced by the City of Laurel and failure to comply shall be deemed an infraction.

- (b3) If any section, part or provision of this sub-section of Chapter 14.1 NOISE ORDINANCE be held invalid, the remaining part shall be severable and shall continue to be in full force and effect
- (c) **Horns and signaling devices:** The sounding of any horn or signaling device on any automobile, motorcycle, trolley coach or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or any other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- (d) **Yelling and shouting:** Yelling, shouting, hooting, whistling, singing or blowing of horns on the public streets, or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, motel, apartment or other type of residence, or of any persons in the vicinity.
- (e) **Pile drivers, hammers, etc.:** The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- (f) **Tools:** The use of or operation between the hours of 10:00 p.m. and 7:00 a. m. of any power saw, power planer, or other tool or appliance or saw or hammer, or other tool, so as to disturb the quiet, comfort, or repose of persons in any dwelling, hotel, motel, apartment, or other type of residence, or of any person in the vicinity.
- (g) **Blowers:** The operating of any noise-creating blower or power fan or any internal combustion engine the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- (h) **Exhausts:** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, motorcycle or motor vehicle except through a muffler of other device which will effectively prevent loud or explosive noises therefrom. No person while on a public or private highway, street or road shall operate a motor vehicle with the muffler cut out or removed.
- (i) **Loading, unloading; opening boxes:** The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction

of bales, boxes, crates and containers.

- (j) ***Hawkers, peddlers and vendors***: The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of persons in the neighborhood.
- (k) ***Drums***: The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- (l) ***Transportation of metal rails, pillars and columns***: The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks in any manner so as to cause loud noises or to disturb the peace and quiet of persons in the vicinity thereof.
- (m) ***Animals, birds, fowls***: The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of persons in the vicinity.
- (n) ***Radios, tape players, etc.***: Any noise emitted from a radio, tape player, tape recorder, record player, or television outdoors on or in any publicly owned property or place, including but not limited to public parks when such noise is audible to a person of normal hearing sensitivity fifty (50) feet from said radio, tape player, tape recorder, record player, or television.
- (o) ***Music***: The playing of music by a live band or other instruments or devices utilizing amplification equipment and/or the amplification of voices in any manner so as to disturb the peace and quiet of persons in the vicinity thereof.

Source: Ordinance No. 1216-1993, § 3, 8-3-93; Ordinance No. 1661-2017, 7-5-2017

Section 14.1-4. Exemptions.

The following uses and activities shall be exempt from the noise prohibitions described in other Sections of this Ordinance:

- (a) Non-amplified crowd noises resulting from legal activities, between the hours of 7:00 a. m. and 9:00 p.m.
- (b) Construction operations for which building permits have been issued, or construction operations not requiring permits due to ownership of the project by an agency of government, provided such equipment is operated with the manufacturing mufflers and noise reducing equipment in use and in proper operating condition.
- (c) Noises of safety signals, warning devices, and emergency pressure relief valves.
- (d) Noises resulting from any authorized fire or police vehicle when responding to an

emergency call, acting in time of emergency or in connection with official Police or Fire Department business.

- (e) Noises from emergency work, being work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger or work by private or public utilities when restoring utility service.
- (f) Noises made by places of worship using bells, chimes or carillons as part of their religious observance and by persons having obtained a permit to use the streets.
- (g) Any aircraft operated in conformity with, or pursuant to, a Federal law, Federal Air Regulations, and air traffic control instructions and pursuant to and within the duly adopted Federal Air Regulations. Any aircraft operating under technical difficulties in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under Federal Air Regulations are also exempt.
- (h) All noises resulting from normal operations of railroad trains are exempt; provided, however, that excessive use of railroad train signaling devices are declared to be loud, disturbing, and unnecessary noises.
- (i) Use of public address systems in any ball park or stadium while an athletic contest is in progress therein.
- (j) Cries for emergency assistance and warning calls.
- (k) Any other noise resulting from activities of a temporary duration and for which a permit has been granted by the Chief of Police.

Source: Ordinance No. 1216-1993, § 4, 8-3-93

Section 14.1-5. Permits.

The Chief of Police may grant a temporary permit to persons desiring to use loudspeakers or other electrical devices for parades or for religious, social or political gatherings to be held in any park or other suitable place of assembly.

- (a) Application. Any permit issued hereunder should be issued only on written application which shall set forth the following:
 - (1) A description of the premises for which the permit shall be issued.
 - (2) The dates and times for which the permit is to be used.
 - (3) The name and address of the person applying for the permit.
 - (4) Any facts which would show that the activity for which the permit is sought

would not disturb the peace of any family or person within the area into which the sound shall carry.

- (5) The application shall designate a responsible person to be present during the activity. Said person shall be responsible for conducting the activity in compliance with the provisions of the permit and may be present at all times.
 - (6) Other such information as the Chief of Police shall deem necessary and proper.
 - (7) The application shall become a part of any permit issued.
- (b) Issuance. The Chief of Police shall issue a permit only upon a showing that the activity will not disturb the peace of any family or person within the area within which the noise will carry. A permit shall be issued or denied within fifteen (15) days of receipt of a completed, signed application. The Chief of Police shall consider the following factors in considering whether to grant such a permit:
- (1) The anticipated noise.
 - (2) The time of day the activity is to take place.
 - (3) The proximity of the activity to residential areas, schools, churches or other places.
 - (4) Prior complaints from residents as a result of other similar activities.

In the event a permit is denied, the applicant may appeal the decision to the Mayor and City Council. Any such appeal shall be taken not more than ten (10) days from denial of a permit by giving notice of the appeal to the City Clerk.

- (c) Revocation. The Chief of Police shall have the authority to revoke any permit issued on the finding of any of the following:
- (1) That the activity is being conducted in a manner inconsistent with the permit, including the description of the activity as set out in the application.
 - (2) That the activity is causing a disturbance of the peace of families or persons within the area into which the sound carries.
 - (3) That there is any misrepresentation of the activity on the application for the permit.
 - (4) Other good cause.

Section 14.1-6. Penalty.

Any person, firm or corporation violating any provision of a Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined a minimum of Two Hundred Fifty Dollars (\$250.00) and/or sentenced to serve ten (10) days in jail, or both, for the first offense; and shall be fined a minimum of Five Hundred Dollars (\$500.00) and/or sentenced to serve twenty (20) days in jail, or both, for the second offense; and shall be fined up to One Thousand Dollars (\$1,000.00) and/or sentenced to serve thirty (30) days in jail, or both, for any subsequent offense. Each day such violation is committed or permitted to continue shall constitute a separate offense.

Source: Ordinance No. 1216-1993, § 6, 8-3-93