

- Existing -

**AN ORDINANCE ESTABLISHING RESTRICTIONS ON USE
OF LOUD RADIOS, MUSICAL INSTRUMENTS, PHONOGRAPHS,
TELEVISIONS, OR OTHER MACHINES OR DEVICES, AS AMENDED
BY ORDINANCE DATED OCTOBER 6, 2008**

On motion of Supervisor Gary Honea, seconded by Supervisor Venton Adams, and unanimously passed, the Board of Supervisors of Pike County, Mississippi passed the following resolution at its meeting on October 6, 2008.

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 THE LOUD USE AND OPERATION OF RADIOS, TELEVISIONS, MUSICAL INSTRUMENTS, PHONOGRAPHS, OR OTHER MACHINES OR DEVICES IN SUCH A MANNER AS TO DISTURB THE PEACE, QUIET, AND COMFORT OF NEIGHBORING RESIDENTS OR ANY REASONABLE PERSON OF NORMAL SENSITIVENESS RESIDING IN THE AREA, ARE AS FOLLOWS:

SECTION 1. Short Title. This Ordinance shall be known and cited as the "Noise Ordinance."

SECTION 2. Purpose and Findings. The Board of Supervisors of Pike County, Mississippi, has determined that significant numbers of persons have caused and created general disturbances to numerous residents of the County by the use and operation of radio receiving sets, musical instruments, phonographs, television sets, or other machines and devices for the production or reproduction of sound in such a manner as to disturb the peace, quiet, and comfort of neighboring residents or any reasonable person of normal

sensitiveness residing in the area; and

The Board of Supervisors of Pike County, Mississippi, finds and determines that special and extenuating circumstances presently exist within this County that call for special regulation of the use and regulation of radio receiving sets, musical instruments, phonographs, television sets, or other machines or devices for the production or reproduction of sound; and

In accordance with prevailing community standards, this Ordinance serves to regulate the use and operation of such machines or devices for the production or reproduction of sound; and

After extensive review and evaluation of this Ordinance, the Board of Supervisors finds that there is justification for the purposes and findings herein, to adopt a noise ordinance for Pike County, Mississippi.

SECTION 3. Uses Restricted.

a) It shall be unlawful for any person within Pike County, Mississippi to willfully use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area, or for any person to use, operate, or permit to be played any radio receiving set, musical instrument, television, phonograph, or other machine or device for the production or reproduction of sound in such a manner as to cause to be made or continued any unnecessary noise as heard without measurement.

b) It shall be unlawful for any person to wilfully make or continue, or cause to

be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace and quiet of any neighborhood of which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

SECTION 4. Prima Facie Violation. The operation of any such set, instrument, radio, television, phonograph, machine, or device adjoining property line, or from a distance of 25 feet in the case of a vehicle on public rights of way, shall be prima facie evidence of the violation of this section.

SECTION 5. Penalty.

1 st offense	not less than \$100.00/not more than \$500.00 and/or 10 days in jail
2 nd offense	\$750.00 and/or 30 days in jail
3 rd offense	\$1,000.00 and/or 6 months in jail

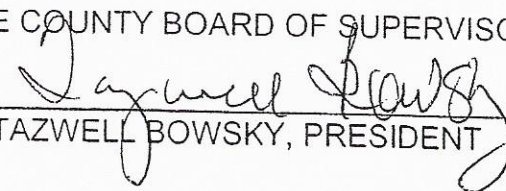
SECTION 6. Effective Date. In the interest of the immediate or temporary preservation of public peace, health, or safety or for other good cause, this ordinance shall be effective from and after passage.

SECTION 7. 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 6th day of October, 2008.

PIKE COUNTY BOARD OF SUPERVISORS

BY:


TAZWELL BOWSKY, PRESIDENT