

AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF ACKERMAN, MISSISSIPPI, TO PROHIBIT LOUD, DISTURBING AND UNNECESSARY NOISES WITHIN THE TOWN OF ACKERMAN, MISSISSIPPI, AND PROVIDING THE PENALTY FOR THE VIOLATIONS THEREOF

WHEREAS, loud disagreeable and excessive sound is a hazard to the public health, welfare, safety and the quality of life within the Town of Ackerman, Mississippi; and

WHEREAS, the unregulated operation- of sound amplification systems and the operation of engine brake, compression brake or mechanical exhaust device designed to aid in braking any vehicle, commonly known as "Jake Brakes", create special hazards and dangers to the health and safety of motorists, pedestrians and residents, and authorized emergency vehicles whose full attention is needed in the operation of their vehicles; and

WHEREAS, the Mayor and Board of Aldermen of the Town of Ackerman, Mississippi, hereby find that it is necessary to promote the health, safety and general welfare of the Town, and to preserve good order and peace, for an ordinance to be enacted for the regulation of loud, or excessive and raucous, or disagreeable or disturbing sounds emanating from vehicles.

BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Ackerman, Mississippi, that:

Section 1. It shall be unlawful for any person to operate, or cause to be operated, or to assist in operating, any sound amplification system, or any instrument or device that produces, or to otherwise produce or reproduce, any loud, or excessive and raucous sounds, or sounds which rumble or otherwise sound disagreeable or disturbing, which system is within any vehicle, or is portable, mobile or otherwise carried, in any street, park, parking lot, or other place accessible to the public, and which sounds can be heard from a distance of fifty (50) feet or more from the vehicle or device, without permission from the Town, unless said system, instrument or other device is being operated as an alarm, to request assistance or warn of a hazardous situation.

Section 2. It shall be unlawful for any driver of any vehicle to use or operate or cause to be operated within the corporate Town limits of the Town of Ackerman, Mississippi, any engine brakes, 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.

Section 3. This ordinance and the regulation herein shall not apply to authorized emergency vehicles responding to emergency calls or in the immediate pursuit of an actual or suspected violator of the law.

Section 4. This ordinance shall not apply to sound amplification systems, devices, or instruments, or systems upon sound trucks or vehicles in parades, processions, or public demonstrations, provided that the operator thereof obtains and operates such sound system, device, or instrument in accordance with any prior approval from the Town of Ackerman, Mississippi.

Section 5. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined as follows:

- a. First offense: a fine of not greater than than one \$100.00, and/or imprisoned for no more than 30 days in jail.
- b. Second Offense: a fine of not greater than \$250.00 and/or imprisoned for no more than 60 days in jail.
- c. Third and subsequent offense: a fine of not greater than \$500.00 and/or imprisoned for no more than 90 days in jail.

Section 6. Insofar as any of the provisions of this ordinance may be inconsistent with the provisions of any other ordinance of this Town, except as specified herein, the provisions of this ordinance shall be controlling.


Section 7. In the event any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, such provision shall remain constitutional or applicable as to other persons or circumstances, and every other provision of this ordinance shall remain valid and enforceable and shall not be affected thereof.

Section 8. This ordinance shall be in force and effect one (1) month from and after its passage and publication as provided by law.

The vote on the passage of this ordinance was as follows:

<u>Alderman Willie Miller Jr</u> voted <u>Yes</u>	<u>Alderman Dale Reid</u> voted <u>Yes</u>
<u>Alderman Tommy Curtis</u> voted <u>Yes</u>	<u>Alderman Carl Phelps</u> voted <u>Yes</u>
<u>Alderman George Rooks</u> voted <u>Yes</u>	

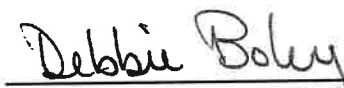
BE IT ORDAINED, this the 1st day of May, 2012.


DICK CAIN, Mayor
Town of Ackerman, Mississippi

I, DEBBIE BOLEY, duly qualified and acting Town Clerk of the Town of Ackerman, Mississippi, hereby certifies that the foregoing ordinance was duly adopted by the Mayor and Board of Aldermen of the Town of Ackerman, Mississippi, in regular meeting assembled as recorded in Minutes Book 16, Page(s) 921-922 of the meeting held on the 1st day of May, 2012.

WITNESS MY SIGNATURE, this the 1st day of May, 2012.




DEBBIE BOLEY, Town Clerk
Town of Ackerman, Mississippi