

AN ORDINANCE WHEREBY THE CITY OF ST. MARY, MISSOURI ADOPTS REGULATIONS FOR NOISE CONTROL AND DESIGNATING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

WHEREAS, the making and creation of excessive, unnecessary or unusually loud noises within the limits of the City of St. Mary, Missouri is a condition which has existed for some time and the extent and volume of such noises is increasing, and

WHEREAS, the making, creation or maintenance of such excessive unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use effect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the City of St. Mary, and

WHEREAS, the necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City of St. Mary, Missouri and its inhabitants,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. MARY, MISSOURI, AS FOLLOWS:

SECTION 1. It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.

SECTION 2. Noises Prohibited

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

Horns, Signaling Devices, Radios, Phonographs, Television, Musical Instrument, Loud Speakers, Sound Amplifiers, Yelling, Shouting, Animals, Exhausts, Squalling of tires on motor vehicle, racing the engine of any vehicle or any Defect in a vehicle to name a few.

No person shall play, use, or operate or permit to be played used or operated, any radio, tape recorder, cassette player or other machine or device for reproducing sound, if it is located in or on any of the following:

- (1) Any public property, including any public street, highway, building sidewalk, park or thoroughfare, or
- (2) Any motor vehicle on a public street, highway or public space;
and if the sound generated is audible at a distance of thirty (30) feet from the device producing the sound.

SECTION 3. Noises Prohibited--Determining Factors

The standards which shall be considered in determining whether a violation of this ordinance shall include, but shall not be limited to the following:

- (1) The volume of the noise.

- (2) The intensity of the noise
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is natural or unnatural
- (5) The volume and intensity of the background noise, if any
- (6) The proximity of the noise to residential sleeping facilities
- (7) The nature of the area within which the noise emanates
- (8) The density of inhabitation of the area within which the noise emanates
- (9) The time of the day or night the noise occurs
- (10) The duration of the noise
- (11) Whether the noise is recurrent, intermittent or constant
- (12) Whether the noise is produced by a commercial or non-commercial activity

SECTION 4. Violation; penalty

Any person violating any of the sections of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof may be fined up to Five Hundred Dollars (\$500.00) or be imprisoned for a period not to exceed six (6) months or be fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 5. Effective Date

This ordinance shall be in full force and effect from and after its passage and approval. Passed and approved this the 8th day of January, 2001.



 MAYOR CARLTON WYATT

ATTEST:



 CITY CLERK JOANN E. DONZE

| <u>ALDERMEN</u> | <u>AYE</u> | <u>NAY</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|-------------------|------------|------------|----------------|---------------|
| Robert Bequette | x | | | |
| Roger Odem | x | | | |
| Douglas Roderique | x | | | |
| Robert Schultz | x | | | |

I, JoAnn E. Donze, Clerk of the City of St. Mary, Missouri, do hereby certify that the foregoing ordinance was duly read and adopted at a regular meeting of the Board of Aldermen so convened on this the 8th day of January, 2001.



 CITY CLERK JOANN E. DONZE