

**AN ORDINANCE TO AMEND TITLE 11,
CHAPTER 4, SECTION 11-402 OF THE CODE OF
ORDINANCES RELATING TO OFFENSES
AGAINST THE PEACE AND QUIET; TO FIX A
PENALTY FOR THE VIOLATION OF THIS
ORDINANCE; AND TO FIX THE EFFECTIVE
DATE OF THIS ORDINANCE.**

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pass

WHEREAS, it is found and declared that the making and creation of excessive, unnecessary or unusually loud noises by motor driven cycles is a condition that has existed for some time and the level and intensity of such noises is increasing; and, the making and creation of such excessive noises are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents; and, the necessity in the public interest for the provisions and prohibitions contained and enacted in this ordinance are declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions contained and enacted in this ordinance are in pursuance of and for the purpose of securing and promoting the public health, comfort, safety, welfare and repose of the Town and its inhabitants for reasons of urgent necessity.

NOW THEREFORE, BE IT ORDAINED as follows:

SECTION I. That Title 11, Municipal Offenses, Chapter 4, Offenses Against the Peace and Quiet, Section 11-402. Anti-Noise regulations. Be and hereby is amended to read as follows:

11-402. No person shall cause, permit, maintain, suffer or allow the creation or maintenance of any unreasonably loud, disturbing, or unnecessary noise of such character, intensity, or duration as to be detrimental, injurious or to endanger the comfort, repose, health or safety of others; or, in any way renders other persons insecure in the use of property; or, otherwise interferes with the comfortable enjoyment of life and property or tends to depreciate the value of the property of others; or, in any way is a disturbance of the public peace and welfare.

- (1) Among other noises not enumerated herein, the use of any motor driven cycle so out of repair, so loaded, or in such manner as to cause or allow the making of loud and unnecessary grating, grinding, rattling or other noise to be discharged into the open air; or, the exhaust of any motor driven cycle, except through a muffler or other device which will effectively prevent unreasonably loud noises therefrom, is declared to be a loud, disturbing, and unnecessary noises in violation of this section.
- (2) No person shall operate or permit to be operated a motor driven cycle at any time under any condition of grade, load, acceleration or deceleration in such a manner as to generate a sound level, when measured at a distance of at least 25 feet from a noise source in excess of 85 dBA.

SECTION II. Any person violating any provisions of this ordinance shall be guilty of an offense and upon conviction shall pay a penalty of up to FIFTY DOLLARS(\$50.00) for each offense. Each occurrence shall constitute a separate offense.

SECTION III. That this ordinance shall take effect from and after the date of its passage and publication, as the law directs, the public welfare of the citizens of Mount Carmel, Tennessee, requiring it.

Gary Lawson, Mayor

ATTEST:

Nancy Carter/ Recorder